

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARISUE TATE and TRACI LONG,

Plaintiffs,

v.

No. 18-cv-0857 GBW/SMV

**MAURO ACUNA, JORGE TORRES,
and FRANKS INTERNATIONAL LLC,**

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiffs filed their First Amended Complaint in state court on July 6, 2018, naming Defendants Acuna, Torres, and Franks International LLC. [Doc. 1-2] at 15–18. Defendant Franks removed the case to this Court on September 12, 2018. [Doc. 1]. Pursuant to Fed. R. Civ. P. 4(m) (2015), Plaintiffs had 90 days from the date of removal, or until December 11, 2018, to effect service of process. *See Wallace v. Microsoft Corp.*, 596 F.3d 703, 706 (10th Cir. 2010) (deadline to serve runs from the date of removal). To date, there is no indication on the record that service of process has been effected with respect to either Defendant Acuna or Defendant Torres.

IT IS THEREFORE ORDERED that Plaintiffs show good cause why their claims against Defendants Acuna and Torres should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). *See Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). Plaintiffs must file their response no later than **January 4, 2019**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge